



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 059-05

307 SHORELINE DRIVE

COASTAL DEVELOPMENT PERMIT

SEPTEMBER 15, 2005

APPLICATION OF KARL TREIBERG, AGENT FOR CITY OF SANTA BARBARA, WATERFRONT DEPARTMENT (PROPERTY OWNER), 307 SHORELINE DRIVE, 033-120-018, HC ZONE, GENERAL PLAN DESIGNATION: HARBOR (MST2004-00084 CDP2005-00013)

The proposed project involves removal of four "dolphin" piles, two guide piles and an existing 12 foot by 16 foot floating walkway and reconfiguration of the existing lease area at the southern end of Marina 4B to install sixteen, 24 inch diameter, steel piles in four rows, to accommodate up to three vessels, moored perpendicular to the dock. Mooring tackle and smaller piles would be welded to the 24 inch diameter piles. Dockside amenities, including dock boxes, electricity, phone, cable, and water, primarily routed within existing conduits, would be provided for each vessel. The discretionary application required for this project is a recommendation to the Coastal Commission to approve a Coastal Development Permit to allow the proposed development in the California Coastal Commission Permit Jurisdiction (SBMC §28.45.009). An Addendum to the Marinas 1 and 4 Expansion Project Mitigated Negative Declaration (ENV96-0209) has been prepared for the project.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, one person appeared to voice his concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 15, 2005
2. Site Plans
3. Correspondence received in opposition to the project:

William and Mary T. Fryer

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Recommended that the California Coastal Commission approve the subject application, making the following findings and determinations:
 - A. **Environmental Findings for the Final MND and Addendum (CEQA Guidelines §15074)**
 1. The Planning Commission has considered the Addendum, dated September 8, 2005, for the Marina 4B Extension project (MST2004-00084), together with the

Final Mitigated Negative Declaration (ENV96-00209) for the original project, including public comments received.

2. The Addendum to the Mitigated Negative Declaration for MST2004-00084 has been prepared in compliance with California Environmental Quality Act requirements and is hereby adopted. The Addendum, together with the adopted MND, constitutes adequate environmental analysis of the current proposed the extension of Marina 4B.
3. Mitigation measures identified in the Mitigated Negative Declaration and Addendum have been agreed to by the applicant and incorporated into the current project as conditions of approval and would avoid or reduce all potentially significant impacts to less than significant levels. In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial evidence that the proposed project will have a significant effect on the environment.
4. The location and custodian of documents associated with the environmental review process and decision for the Marina 4B Extension project (MST2004-00084) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93102.

B. Coastal Development Permit (SBMC §28.45.009)

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, including the Harbor Master Plan.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

II. Said approval is subject to the following conditions:

- A. **Approved Project.** The project approved on August 15, 2005, is a Coastal Development Permit for the removal of four "dolphin" piles, two guide piles and an existing floating walkway; reconfiguration of the existing lease area at the southern end of Marina 4B to install sixteen, 24 inch diameter, steel piles in four rows, to accommodate up to three vessels, moored perpendicular to the dock. Mooring tackle and smaller piles would be welded to the 24 inch diameter piles. Dockside amenities, including dock boxes, electricity, phone, cable, and water, primarily routed within existing conduits, would be provided.
- B. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.

- C. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$850 for projects with Environmental Impact Reports and \$1,250 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- D. **Project Environmental Coordinator Required.** A qualified representative for the Owner, approved by the City Planning Division, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.
- E. **Mitigation Monitoring and Reporting Requirement.** The Waterfront Department shall submit to the City's Environmental Analyst a monitoring program for the project's mitigation measures, as stated in the Addendum to the Mitigated Negative Declaration for the project. The mitigation monitoring program shall include, but not be limited to:
1. A list of the project's mitigation measures.
 2. An indication of the frequency of the monitoring of these mitigation measures.
 3. A schedule of the monitoring of the mitigation measures.
 4. A list of reporting procedures.
 5. A list of the mitigation monitors to be hired.
- F. **Biology - California least terns.** Construction of marina facilities during the months of July and August shall be limited to those activities which do not require pile driving, towing, or the general use of heavy equipment. (MM - Bio-1)
- G. **Hazardous Materials Disposal.** All construction related debris shall be disposed of properly at a properly licensed facility. Any construction related debris deposited in the harbor shall be removed immediately. (MM - Haz-1)
- H. **Hazardous Materials Education.** The Waterfront Department shall continue its public education and awareness of pollution prevention associated with marina activities. (MM - Haz-4)
- I. **Hazardous Materials Equipment Maintenance.** The construction contract shall contain a provision that all construction equipment shall be maintained and maintenance verified prior to the commencement of construction and checked daily by the contractor for materials toxic to marine life. In addition, the construction contract shall include a

provision that spill containment and cleanup materials shall be present at all times at the work site. (MM - Haz-5)

- J. **Construction Hours.** Construction activity shall be prohibited Saturdays, Sundays, and holidays and between the hours of 5 p.m. to 7 a.m. Holidays are defined as those days that are observed by the City of Santa Barbara as official holidays for City employees. (MM - Noise-1)
- K. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice shall be reviewed and approved by the City Planning Division prior to being distributed.
- L. **Contractor and Subcontractor Notification.** All contractors and subcontractors shall be notified in writing of site rules, restrictions and Conditions of Approval.
- M. **Slip Lease Stipulations.**
1. The Waterfront Department shall place stipulations on slip leases that limit the use of generators while the boat is in-dock.
 2. The slip holders shall minimize the effects of any propeller wash that occurs during mechanical testing at the discretion of the Waterfront Department.
- N. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____ Property Owner	_____ Date	
_____ Contractor	_____ Date	_____ License No.
_____ Architect	_____ Date	_____ License No.
_____ Engineer	_____ Date	_____ License No.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

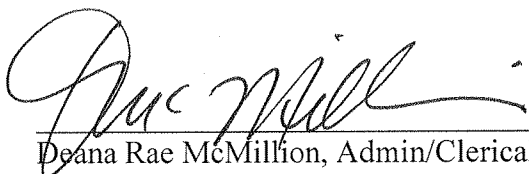
The Planning Commission's action recommending approval of the Coastal Development Permit shall expire two (2) years from the date of approval by the California Coastal Commission, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.

This motion was passed and adopted on the 15th day of September, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 Larson/Maguire

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Deana Rae McMillion, Admin/Clerical Supervisor



Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.